



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM ES
Finance DN
DA ✓
Risk Mgt. OE
HR N/A
Other N/A

STAFF REPORT

BOARD MEETING DATE: July 14, 2015

DATE: June 18, 2015
TO: Board of County Commissioners
FROM: Vahid Behmaram, Water Management Planner Coordinator, Community Services Department, 954-4647, vbehmaram@washoecounty.us,
THROUGH: Dwayne Smith, P.E., Division Director, Engineering & Capital Projects, Community Services Department, 328-2043, desmith@washoecounty.us
SUBJECT: Approve a Water Rights Deed transferring 34.06 acre-feet of water rights from Washoe County to Craig R. Hopkins and Malcolm A. Moore as co-trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012. (Commission District 2.)

SUMMARY

Washoe County is conveying portions of permits 57915, 61913, 57429 and 82835, being 34.06 acre-feet of Washoe Valley and Pleasant Valley ground water rights to Craig R. Hopkins and Malcolm A. Moore as co-trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012. These water rights were banked with Washoe County by Mr. and Mrs. Lee Weston in 2003 in support of a proposed development which was never completed. Mrs. Marion Hopkins is the daughter of Mr. and Mrs. Weston, and her trust is the successor in interest to these water rights.

Washoe County Strategic Objective supported by this item: Sustainability of our financial, social and natural resources.

PREVIOUS ACTION

On February 11, 2003, the Board of County Commissioners (Board) approved a deed returning the subject water rights to Mr. and Mrs. Weston. At that time, Washoe County and the Westons were litigating certain road issues. Upon the resolution of litigation, the water rights were deeded to Washoe County again in May 2003 to support the proposed parceling of 640 acres of Mr. and Mrs. Weston's land at the North end of East Lake Boulevard in Washoe Valley and Pleasant Valley.

BACKGROUND

Mr. and Mrs. Weston owned 640 acres of land, consisting of six separate parcels of land, at the north end of East Lake Boulevard near highway 395 (see parcel map # 3107 attached). This land lies on the boundary of Washoe Valley and Pleasant Valley hydrographic basins. Mr. and Mrs. Weston acquired and banked with Washoe County 36.08 acre-feet of water rights from both Washoe Valley and Pleasant Valley to support parceling of their land. Litigation between Washoe County and Mr. and Mrs. Weston

AGENDA ITEM # 5F2

resulting from the status of the Ophir Road, which crosses these lands, was eventually resolved. Mr. and Mrs. Weston utilized 2.02 acre-feet of the water rights for creation of one new parcel. However, the remainder being 34.06 remains uncommitted. By letter dated March 31, 2015 Mrs. Marion Hopkins, the daughter of Mr. and Mrs. Weston, now deceased, requested the conveyance of these uncommitted water rights back to her Trust, which is the successor in interest to these water rights. The idea of re-conveyance was initiated and suggested to Mrs. Hopkins by County staff due to the long duration of banking with Washoe County, and lack of any immediate plans to further develop these lands.

FISCAL IMPACT

There is no fiscal impact associated with execution of the Water Rights Deed.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the Water Rights Deed transferring 34.06 acre-feet of water rights from Washoe County to Craig R. Hopkins and Malcolm A. Moore as co-trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to approve the Water Rights Deed transferring 34.06 acre-feet of water rights from Washoe County to Craig R. Hopkins and Malcolm A. Moore as co-trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012."

Attachments: Request for conveyance of water rights
Water Rights Deed
Parcel Map # 3107

No APN
When recorded, return to:
Marion Hopkins 2012 Trust
1932 Blenheim Drive East
Seattle, WA 98112

WATER RIGHTS DEED

WASHOE COUNTY, a political subdivision of the State of Nevada, as GRANTOR, hereby conveys to **Craig R. Hopkins and Malcolm A. Moore as co-trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012** as GRANTEE, the real property consisting of water rights described as follows:

Portions of Permit Numbers:

61913	5.137 acre-feet
57915	9.94 acre-feet
57429 & 82835	18.98 acre-feet Total Combined Duty (TCD)

All permits on file with the Nevada State Engineer, Division of Water Resources, to appropriate ground water, together with a proportionate share of the rate of diversion of said permits.

GRANTOR:
WASHOE COUNTY
A political subdivision of the
State of Nevada

By: _____
Marsha Berkbigler, Chair
Washoe County Commission

Date: _____

Attest

By: _____
Nancy Parent, County Clerk

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On this _____ day of _____, 2015, before me, a Notary Public, personally appeared **Marsha Berkbigler**, personally known to me to be the **Chair of the Washoe County Commission**, who acknowledged to me that she executed the foregoing document.

Notary Public
My Commission expires: _____

Marion Weston Hopkins
1932 Blenheim Drive East
Seattle, WA 98112
206-854-4401
marionhopkins@comcast.net

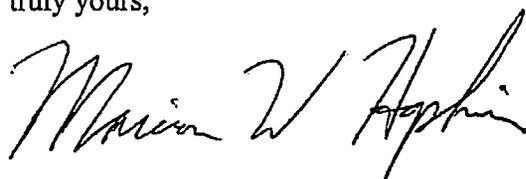
Vahid Behmaram
Water Rights Manager
Washoe County
4930 Energy Way
Reno, NV 89502
Re: Permits 57915, 61913, 57429 and 61703

March 31, 2015

Dear Mr. Behmaram:

As you are aware, the above four listed permits, or portions thereof, are vested in the name of Washoe County. Would you kindly see that Washoe County reconveys the above-listed water rights to the Craig R. Hopkins and Malcolm A. Moore, as co-Trustees of the Marion Hopkins 2012 Trust under Trust Agreement dated December 21, 2012. Should you have any questions, feel free to contact me.

Very truly yours,

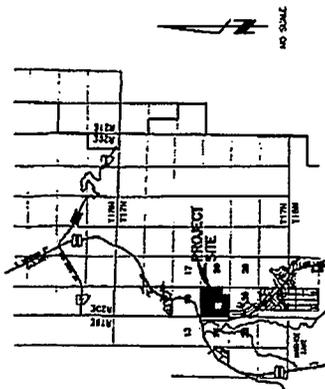
A handwritten signature in black ink that reads "Marion W. Hopkins". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Marion W. Hopkins

Copy to:
Ross E. de Lipkau, Esq.
Stephen C. Mollath, Esq.

LOT 6

LOT 6



VICINITY MAP

DEPARTMENT OF DEVELOPMENT REVIEW CERTIFICATE
 This final map is approved and recorded as the final map of the project, and is subject to the provisions of the Department of Development Review of Washington State. The date of adoption of this final map is 9-17-96. The final map is subject to the provisions of the Department of Development Review of Washington State.

Richard A. Lopez
 DIRECTOR, DEPARTMENT OF DEVELOPMENT REVIEW

TAX CERTIFICATE
 The undersigned hereby certifies that all property taxes on this land for the fiscal year have been paid.

BY: *William A. Board* 9-17-96
 COUNTY TREASURER DATE

TITLE COMPANY CERTIFICATE
 The undersigned hereby certifies that this plat has been examined and that the same is correct and true to the original record on file in the public records of the State of Washington. The undersigned is a duly licensed title company and is not responsible for the accuracy of the information contained in this plat. The undersigned is not responsible for the accuracy of the information contained in this plat.

BY: *William A. Board* 9-17-96
 COUNTY TREASURER DATE

SURVEYOR'S CERTIFICATE
 I, Edward H. Wilson, a Professional Land Surveyor registered in the State of Washington, do hereby certify that the plat is a true and correct copy of the original survey as shown on the plat and that the same is correct and true to the original record on file in the public records of the State of Washington. The undersigned is a duly licensed surveyor and is not responsible for the accuracy of the information contained in this plat.

BY: *Edward H. Wilson* 9-17-96
 COUNTY CLERK DATE

UTILITY COMPANIES CERTIFICATE
 The utility companies shown on this plat have been contacted, and each has approved by its authorized duly authorized representative the plat and the same is correct and true to the original record on file in the public records of the State of Washington. The undersigned is a duly licensed utility company and is not responsible for the accuracy of the information contained in this plat.

BY: *William A. Board* 9-17-96
 COUNTY TREASURER DATE

WATER RIGHT DENEGATION CERTIFICATE
 The Water and Steel Reserve Requirements set forth in Article 22 of the Constitution of the State of Washington, Chapter 90A RCW, and the provisions of the Water Right Denegation Act, Chapter 90A RCW, have been satisfied.

BY: *William A. Board* 9-17-96
 COUNTY TREASURER DATE

NOTES
 1. A plat of Survey Map 2433 for Historic District, File No. 1572199, dated June 15, 1992, Official Records of Washington County, is referenced herein.
 2. A plat of Survey Map 2465 for Lee Weston, File No. 1888776, dated April 26, 1995, Official Records of Washington County, is referenced herein.
 3. A plat of Survey Map 2465 for Lee Weston, File No. 1888776, dated April 26, 1995, Official Records of Washington County, is referenced herein.

OWNER'S CERTIFICATE
 This is to certify that the undersigned, Lee T. Weston II and Sally S. Weston are the owners of the land, represented on this plat, and have consented to the same. The undersigned hereby certifies that the same is correct and true to the original record on file in the public records of the State of Washington. The undersigned is a duly licensed owner and is not responsible for the accuracy of the information contained in this plat.

BY: *Lee T. Weston II* 9-17-96
 COUNTY CLERK DATE

NOTARY PUBLIC CERTIFICATE
 This instrument was acknowledged before me on 9-17-96 by Lee T. Weston II and Sally S. Weston.

BY: *Lee T. Weston II* 9-17-96
 COUNTY CLERK DATE

LEE AND SALLY WESTON
 A PARTITION OF SECTION 19, 117N, 80E, 10W

BY: *Lee Weston II* 9-17-96
 COUNTY CLERK DATE

BY: *Sally Weston* 9-17-96
 COUNTY CLERK DATE

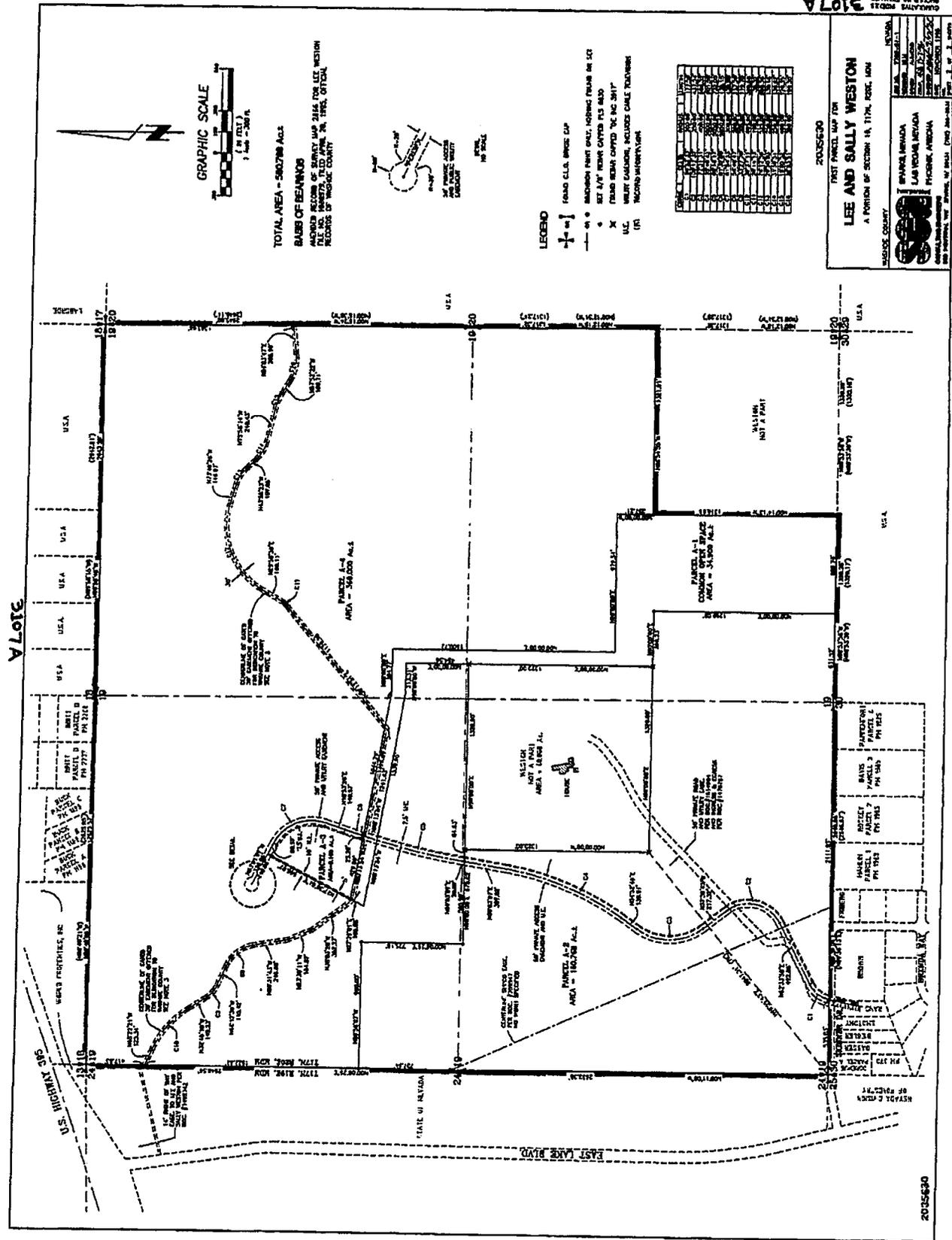
BY: *Joe Malachuk* 9-17-96
 COUNTY CLERK DATE

BY: *C. Pauchley* 9-17-96
 COUNTY CLERK DATE



2035620

FOR ANY BUSINESS CHANGES TO THE MAP



TOTAL AREA - 280,798 ACES
 BASIS OF BEHAVIOR
 MONITOR RECORDS OF SURVEY HAS BEEN FOR THE WESTERN
 FILE NO. 1886778, TO BE OPENED IN THE OFFICE OF THE
 RECORDS OF WAGNER COUNTY



LEGEND
 [Symbol] ROAD C.L.A. MONUMENT
 [Symbol] MONUMENT POINT ONLY, MONUMENT BEARING OR SET
 SET BY "V" MARK CAPTIONED "P.S. AND
 [Symbol] ROAD BEARING CAPTIONED "P.S. AND
 [Symbol] MONUMENT BEARING, MONUMENT CABLE TOLERANCE
 [Symbol] MONUMENT BEARING

1	10	20	30	40	50
60	70	80	90	100	110
120	130	140	150	160	170
180	190	200	210	220	230
240	250	260	270	280	290
300	310	320	330	340	350
360	370	380	390	400	410
420	430	440	450	460	470
480	490	500	510	520	530
540	550	560	570	580	590
600	610	620	630	640	650
660	670	680	690	700	710
720	730	740	750	760	770
780	790	800	810	820	830
840	850	860	870	880	890
900	910	920	930	940	950
960	970	980	990	1000	

201505200
 FIRST PARCEL MAP FOR
LEE AND SALLY WESTON
 A PORTION OF SECTION 14, T17N, R02E, MON
 WAGNER COUNTY
 FRANK BENDIS
 LAND SURVEYOR
 LAS VEGAS, NEVADA
 REGISTERED PROFESSIONAL SURVEYOR
 LICENSE NO. 10000
 EXPIRES 12/31/2021

Parcel Map 3107A

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
 DATE 11-14-11 BY 60322 UCBAW/STP/STP